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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,379	06/07/2001	Kraig A. Bottemiller	ROC920000235US1	8997

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EXAMINER

COLLINS, SCOTT M

ART UNIT PAPER NUMBER

2145

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/876,379

Applicant(s)

BOTTEMILLER, KRAIG A.

Examiner

Scott M. Collins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-14 examined.
2. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment and Change of Address on 11/30/2004.

### ***Response to Arguments***

3. Applicant's arguments filed 11/30/2004 have been fully considered but they are not persuasive. Applicant's arguments can summarily be described as discussing the merits and demerits of the Sidi reference and only arguing that the Sidi reference does not teach the newly added limitation and the arguments. On the contrary, the Examiner holds that the Sidi reference teaches the previously presented limitation as well as the newly added limitation regarding collecting data without perturbing the operation of the data processing system. The filtering operation inherently runs modularly as a function and does not "perturb" the rest of Sidi's system.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Sidi et al., U.S. Patent Number 6,282,562 (herein referred to as Sidi).

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6. Referring to claims 1 and 4, Sidi has taught a communication profiler, for use with a data processing system including a processor and a memory coupled by a system interconnect, wherein said communication profiler comprises:

a control unit including an input port coupled to said system interconnect, wherein said control unit receives a collection of data via said input port as a result of a tenure on said system interconnect, wherein said control unit filters said collection of data from said tenure to obtain specific data requested by a user and organizes said specific data as a summary, wherein said control unit filters said collection of data without perturbing the operation of said data processing system (Sidi column 6, lines 25-50; and column 8, lines 59-61 where filtering inherently takes place as all the aggregated data is “summarized into a statistical profile” (column 6, line 44). Further, it should be noted that a specific “sub-optimization [is] desired” (column 6, line 46) by the user.).

7. Referring to claim 2, Sidi has taught the communication profiler according to claim 1, further comprising:

- a. a profiler interconnect (Sidi figure 1 and column 5, lines 21-38); and
- b. a profiler memory, coupled to said profiler interconnect, wherein said profiler memory stores said summary (Sidi column 9, lines 1-4).

8. Referring to claims 3 and 6, Sidi has taught the communication profiler further including an output port that can be coupled to an external analyzer to communicate said summary (Sidi column 9, lines 5-8).

9. Referring to claim 5, Sidi has taught the communication profiler further including a transaction timer, coupled to said control unit, wherein said transaction timer is utilized to record a duration of a operation pending (Sidi column 7, lines 9-25).

10. Referring to claims 7-9, Sidi has taught a data processing system, comprising:

- a. a system interconnect (Sidi column 3, lines 33-42);
- b. a plurality of master and slave elements, coupled to said system interconnect (Sidi column 3, lines 33-55 where a master element controls a slave element.); and
- c. a communication profiler, coupled to said system interconnect, further including:
  - a control unit including an input port coupled to said system interconnect, wherein said control unit receives a collection of data via said input port as a result of a tenure between a master element and a slave element on said system interconnect, wherein said control unit filters said collection of data from said tenure and retrieves a set of specific data requested by a user and organizes said set of specific data as a summary wherein said control unit filters said collection of data without perturbing the operation of said data processing system (Sidi column 6, lines 25-50; and column 8, lines 59-61 where filtering inherently takes place as all the aggregated data is “summarized into a statistical profile” (column 6, line 44). Further, it should be noted that a specific “sub-optimization [is] desired” (column 6, line 46) by the user.).

11. Referring to claims 10 and 11, Sidi has taught a host data processing system comprising:

- a. a host interconnect (Sidi column 3, lines 33-42);

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- b. a host processor and memory coupled to said host interconnect (Sidi column 6, 25-50 and column 9, lines 1-4);
  - c. a data processing system including a processor and memory coupled by a system interconnect comprising:
    - 1. a plurality of master and slave elements, coupled to said system interconnect (Sidi column 3, lines 33-55 where a master element controls a slave element.); and
    - 2. a communication profiler, coupled to said system interconnect, further including:
      - A. a control unit including an input port coupled to said system interconnect, wherein said control unit receives a collection of data via said input port as a result of a tenure between a master element and a slave element on said system interconnect, wherein said control unit filters said collection of data from said tenure and retrieves a set of specific data requested by a user and organizes said set of specific data as a summary, wherein said control unit filters said collection of data without perturbing the operation of said data processing system (Sidi column 6, lines 25-50; and column 8, lines 59-61 where filtering inherently takes place as all the aggregated data is “summarized into a statistical profile” (column 6, line 44). Further, it should be noted that a specific “sub-optimization [is] desired” (column 6, line 46) by the user.).
12. Referring to claims 12-14, Sidi has taught a method for gathering hardware performance data, comprising the steps of:

- a. activating a communication profiler coupled to a system interconnect by setting a control register, coupled to a control unit in said communication profiler (Sidi column 6, lines 25-50 where resetting deactivates the profiler.);
- b. monitoring a system interconnect for a tenure between a master element and a slave element of a data processing system, wherein said control unit filters said collection of data without perturbing the operation of said data processing system (Sidi column 6, lines 25-50; and column 8, lines 59-61 where filtering inherently takes place as all the aggregated data is “summarized into a statistical profile” (column 6, line 44));
- c. capturing a set of data resulting from said tenure and organizing said set of data into a summary, in response to detecting a tenure on said system interconnect (Sidi column 9, lines 5-8); and
- d. transmitting said summary to an external analyzer (Sidi column 9, lines 5-8).

### *Conclusion*

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Collins whose telephone number is 571.272.3934. The examiner can normally be reached on Mon.-Fri. 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571.272.6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smc  
April 25, 2005



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